

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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|----------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 17-cr-30181-SMY |
| |) | |
| JASON A. WILLIAMS, |) | |
| |) | |
| Defendant. |) | |

ORDER

YANDLE, District Judge:

Pending before the Court is Jason A. William’s Motion to Clarify Sentence (Doc. 75). On July 12, 2018, Defendant was sentenced to an 87-month term of imprisonment to be followed by 4 years of supervised release for possession with the intent to distribute methamphetamine (Doc. 47). He states that he was subsequently sentenced in Illinois state court for a different offense and seeks clarification regarding whether his federal sentence should be concurrent or consecutive to the state sentence.

The authority to calculate a federal prisoner’s period of incarceration for the federal sentence imposed and to provide credit for time served is delegated to the Attorney General, who acts through the Bureau of Prisons (“BOP”). *United States v. Wilson*, 503 U.S. 329, 334-336 (1992). The BOP can affect concurrency of a federal sentence and state sentence while the prisoner is in state custody or through a *nunc pro tunc* designation once the prisoner enters federal custody. *See Setser v. United States*, 132 S. Ct. 1463, n.1 (2012). A prisoner who believes the BOP has erred in its calculation of his federal sentence can challenge the execution of his sentence by bringing a petition for writ of habeas corpus under 28 U.S.C. § 2241. *See United States v. Scott*,

775 F. App'x 252, 253 (7th Cir. 2019); *see also Romandine v. United States*, 206 F.3d 731, 736 (7th Cir. 2000). A petition filed pursuant to § 2241 must name the prisoner's custodian as respondent and must be filed in the district of custody. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

Based on the BOP inmate locator, it appears that Defendant is confined at FCI Forrest City Low in Forrest City, Arkansas. Thus, he should file an appropriate request with the BOP and, if that fails, is free to seek relief under § 2241 in the United States District Court for the Eastern District of Arkansas. The motion is **DENIED**.

IT IS SO ORDERED.

DATE: June 30, 2022



STACI M. YANDLE
United States District Judge